

HOUSE BILL 2013
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37, relative to membership in the Tennessee Consolidated Retirement System.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-627(a), is amended by deleting it in its entirety and by substituting instead the following:

(a) Notwithstanding any other provision to the contrary, any member may establish retirement credit for previous service rendered as an attorney general upon making a lump sum payment equal to the employee contributions the member would have made had the member been a member for the period claimed, plus interest at the rate provided in § 8-37-214. For purposes of this subsection, "attorney general" means any attorney general as defined in § 8-34-101(3).

SECTION 2. Tennessee Code Annotated, Section 8-34-603(a)(3)(A)(v), is amended by deleting the same in its entirety and by substituting instead the following:

(v) Any state judge establishing service in Group 4 on or after September 1, 1990, which was rendered in a capacity covered by Group 4, shall receive credit in Group 4; and

(vi) Any attorney general and reporter, district attorney general or executive director of the district attorneys general conference establishing service in Group 4 on or after July 1, 2005, which was rendered in a capacity covered by Group 4, shall receive credit in Group 4.

SECTION 3. Tennessee Code Annotated, Section 8-34-603(a)(3)(B), is amended by deleting the figures “(a)(3)(A)(ii)-(v)” and by substituting instead the figures “(a)(3)(A)(ii)-(vi)”.

SECTION 4. Tennessee Code Annotated, Section 8-34-622, is amended by deleting the same in its entirety and by substituting instead the following:

Any member in Group 4 may establish creditable service only for service rendered and contributions made as a state judge, an attorney general and reporter, a district attorney general, an executive director of the district attorneys general conference, constitutional convention member as provided by § 8-34-608, and for military service as provided by § 8-34-605.

SECTION 5. Tennessee Code Annotated, Section 8-34-623, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Notwithstanding any provision of the law to the contrary, any attorney general and reporter, district attorney general and any executive director of the district attorneys general conference who is a Group 1 or 3 member shall be eligible to elect to transfer any service previously established as an attorney general and reporter, a district attorney general or as an executive director of the district attorneys general conference, member of a constitutional convention as provided by § 8-34-608, and military service as provided by § 8-34-605, from Group 1 or 3 to Group 4 of the retirement system. It is further provided that such transfer of service shall occur upon the election by the member and the lump sum payment, if applicable, of the difference between what the member would have contributed as a member of Group 4 and the amount of employee contributions to the member's credit on the effective date of transfer, plus interest at the rate provided in § 8-37-214.

SECTION 6. Tennessee Code Annotated, Section 8-34-716, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Notwithstanding any provision of the law to the contrary, any attorney general and reporter, district attorney general or executive director of the district attorneys general conference who, prior to July 1, 2005, participated in Group 1 or 3 classifications of the retirement system may elect in writing to transfer membership to Group 4 of the retirement system from and after July 1, 2005. The election to transfer membership shall become effective on the date of election.

SECTION 7. Tennessee Code Annotated, Section 8-35-105(a)(4), is amended by deleting the same in its entirety and by substituting instead the following:

(4) Group 4. State judges entering service on or after September 1, 1990, any attorney general and reporter, district attorney general and any executive director of the district attorneys general conference entering service on or after July 1, 2005, and any state judge, attorney general and reporter, district attorney general and any executive director of the district attorneys general conference who transferred membership under chapter 34, part 7.

SECTION 8. Tennessee Code Annotated, Section 8-35-105(c), is amended by deleting the same in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of the law to the contrary, any person becoming a member of the retirement system after June 30, 1976 shall be classified as a Group 1 member, except a state judge, an attorney general and reporter, a district attorney general or an executive director of the district attorneys general conference. A state judge becoming a member of the retirement system on or after September 1, 1990 shall be classified as a Group 4 member. An attorney general and reporter, a district attorney general or an executive director of the district attorneys general conference becoming a member of the retirement system on or after July 1, 2005 shall also be classified as a Group 4 member.

SECTION 9. Tennessee Code Annotated, Section 8-36-204(b)(1), is amended by deleting the same in its entirety and by substituting instead the following:

(b)(1) In addition to all requirements for service or early service retirement, any employee, except a Group 4 employee, becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 member must have eight (8) years of creditable service to qualify for retirement benefits.

SECTION 10. Tennessee Code Annotated, Section 8-36-702(c), is amended by adding the following new sentence at the end thereof:

Upon the payment of any contributions and interest required in Section 5 of this Act, the benefit of any attorney general and reporter, district attorney general or executive director of the district attorneys general conference who retires prior to July 1, 2005 as a Group 1 or Group 3 member shall be recalculated under the provisions of this Act.

SECTION 11. Tennessee Code Annotated, Section 8-37-309, is amended by deleting the first sentence thereof in its entirety and by substituting instead the following:

The board of trustees shall annually certify to the general assembly the amount of normal contributions, accumulated liability contribution and cost of living contribution required from the employer to meet the provisions of this chapter for state judges and attorneys general participating in Groups 1, 3 and 4 of the consolidated retirement system.

SECTION 12. The provisions of this act shall be subject to the funding being provided in the General Appropriations Act.

SECTION 13. This Act shall take effect on July 1, 2005, the public welfare requiring it.